

REMARKS

Claims 1-12 have been previously cancelled and no claims are currently canceled. Claims 13, 16 and 27 are currently amended and claim 34 has been added. Claims 13-34 are pending in the application. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response to Objections:

The Examiner has objected to claim 27 due to informalities. Applicants have amended claim 27 to correct the informalities and respectfully request that the Examiner withdraw the objection.

Response to Rejections Under Section 102:

Claims 13, 15-16, 18, and 30-32 stand rejected under 35 USC 102(b) as being anticipated by Czech '545.

Applicants' claims 13 and 16 recite in part:

... **restoring the microstructure of the superalloy body** by performing a **solution heat treatment** on the body ...

In contrast, Czech teaches a “re-diffusion treatment following an alluminization” which is not a restoration of “...the microstructure of the superalloy body [or] a solution heat treatment” as required by claims 13 and 16. The Examiner contends that the “re-diffusion treatment” of Czech is a solution heat treatment as claimed above, and cites page 5, lines 17-21 of Czech to support his contention. However, the cited text of Czech recites in part:

...the temperature ranges are to be applied in a re-diffusion treatment ... However, **the temperature should always be kept well below the solution temperature of the base material alloy.** [emphasis added] (page 5, lines 18-20).

Applicants respectfully submit that Czech itself teaches that the “re-diffusion treatment” is not a solution treatment because the treatment temperature “**should always be kept well below the solution temperature of the base material alloy.**” Moreover, the “re-diffusion treatment” of Czech can **not** achieve a restoration of the microstructure of the superalloy body as required by claims 13 and 16 because the re-diffusion “**temperature should always be kept well below the solution temperature of the base material alloy.**”

Applicants' claim 30 recites in part:

**... performing a solution heat treatment on said article ...
wherein the temperature of said solution heat treatment is at least
the solution temperature of the γ' -phase ...**

As discussed above, the “re-diffusion treatment” of Czech **can not be a solution treatment** because the Czech re-diffusion “...temperature should **always be kept well below the solution temperature of the base material alloy**” and therefore is not “**at least the solution temperature of the γ' -phase**” as required by claim 30.

MPEP 2131 requires “TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM.”

In view of the above, claims 13, 16 and 30 are not anticipated by Czech. Furthermore, Claims 15, 18, and 31-32 which depend from claims 13, 16 or 30 are also patentable at least based on their dependence from claims 13, 16 or 30 as well as based on their own merits. Therefore, Applicants respectfully request that the Examiner withdraw the Section 102 rejections.

Response to Rejections Under Section 103:

Claims 14, 17, 19, 20, 22, 23, 25, 26, 28, 29 and 33 stand rejected under 35 USC 103(a) as being un-patentable over Czech '545 in combination with other references.

As discussed above, the Czech reference states that the treatment temperature “**should always be kept well below the solution temperature of the base material alloy**” which explicitly teaches away from the present invention. Therefore, Czech as a primary reference in combination with any other reference fails to establish a *prima facie* case for the obviousness of any of the rejected claims, and these rejections should be withdrawn.

Claims 28, 29:

Furthermore, claims 28 and 29 stand rejected under 35 USC 103(a) as being un-patentable over Czech '545 in view of Schaeffer et al. (USPN 6,500,283).

Applicants' claims 28 and 29 recite in part:

**... performing a solution heat treatment on said article ...
wherein the temperature of said solution heat treatment is at least
the solution temperature of the γ' -phase ...**

As discussed regarding the section 102 rejection for claim 30 above, the “re-diffusion treatment” of Czech **can not be a solution treatment** as required by claims 28 and 29. Furthermore, the addition of Schaeffer et al. does not teach the missing limitations, therefore the combination of Czech in view of Schaeffer et al. does not render Applicants claims 28 and 29 un-patentable. Applicant’s respectfully request the Examiner withdraw the section 103 rejections.

In light of the above, Applicants respectfully request the Examiner withdraw the section 102 and 103 rejections and timely pass the application to allowance.

New Claims:

New claim 34 further defines the scope of the invention as described in the specification at page 13, lines 30-33. In view of the foregoing remarks regarding the other claims, Applicants respectfully submit claim 34 is patentable and requests allowance of claim 34.

(Please proceed to the next page.)

Conclusion

For the foregoing reasons, it is respectfully submitted that the objection and rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicants respectfully request that the Examiner reconsider the objection and rejections and timely pass the application to allowance. All correspondence should continue to be directed to our below-listed address. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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